

Senate Bill 488

By: Senators Rogers of the 21st, Pearson of the 51st, Orrock of the 36th, Adelman of the 42nd and Hill of the 32nd

AS PASSED

AN ACT

To amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, so as to allow foreign nationals to keep their license from their home country; to exempt nonresidents from getting a Georgia license as long as they meet all licensing requirements in Georgia except for residency; to provide that certain foreign nationals also have in their immediate possession an international driving permit; to provide that verification of lawful presence in the United States is necessary to receive a temporary driver's license; to provide that the maximum term of a temporary license is three years; to provide for retention of personal identification cards by noncitizens in certain circumstances; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating drivers' licenses, is amended by revising subsection (c) of Code Section 40-5-20, relating to the requirement to have a license, as follows:

"(c)(1) Except as provided in paragraph (2) of this subsection and in Code Section 40-5-32, no person shall receive a driver's license unless and until such person surrenders to the department all valid licenses in such person's possession issued to him or her by this or any other jurisdiction. All surrendered licenses issued by another jurisdiction shall be destroyed. The license information shall be forwarded to the previous jurisdiction. No person shall be permitted to have more than one valid driver's license at any time.

(2) Any noncitizen who is eligible for issuance of a driver's license pursuant to the requirements of this chapter may be issued a driver's license without surrendering any driver's license previously issued to him or her by any foreign jurisdiction. This exemption shall not apply to a person who is applying for a commercial driver's license or who is required to terminate any previously issued driver's license pursuant to federal

law. The department shall make a notation on the driving record of any person who retains a foreign driver's license, and this information shall be made available to law enforcement officers and agencies on such person's driving record through the Georgia Crime Information Center."

SECTION 2.

Said chapter is further amended by revising paragraph (2) of subsection (a) of Code Section 40-5-21, relating to exemptions from the requirements of obtaining a Georgia driver's license, as follows:

"(2) A nonresident who has in his or her immediate possession a valid driver's license issued to him or her in his or her home state or country; provided, however, that such person would otherwise satisfy all requirements to receive a Georgia driver's license and, if such nonresident driver's license is in a language other than English, the nonresident also has in his or her immediate possession a valid international driving permit which conforms to and has been issued in accordance with the provisions of the Convention on Road Traffic, 3 U.S.T. 3008, TIAS 2487, or any similar such treaty, international agreement, or reciprocal agreement between the United States and a foreign nation concerning driving privileges of nonresidents;"

SECTION 3.

Said chapter is further amended by revising subsection (a) of Code Section 40-5-21.1, relating to temporary licenses, permits, or special identification cards, as follows:

"(a) Notwithstanding any other provision of this title, an applicant who presents in person valid documentary evidence of:

- (1) Admission to the United States in a valid, unexpired nonimmigrant status;
- (2) A pending or approved application for asylum in the United States;
- (3) Admission into the United States in refugee status;
- (4) An approved application for temporary protected status in the United States;
- (5) Approved deferred action status;
- (6) Other federal documentation verified by the United States Department of Homeland Security to be valid documentary evidence of lawful presence in the United States under federal immigration law; or
- (7) Verification of lawful presence as provided by Code Section 40-5-21.2 may be issued a temporary license, permit, or special identification card. Such temporary license,

permit, or special identification card shall be valid only during the period of time of the applicant's authorized stay in the United States or three years, whichever occurs first."

SECTION 4.

Said chapter is further amended by revising subsection (b) of Code Section 40-5-21.2, relating to compliance with the Systematic Alien Verification for Entitlements Program, as follows:

"(b) The department shall utilize the following procedures in this subsection before issuing an identification card, license, permit, or other official document to an applicant who is a noncitizen:

- (1) The department shall attempt to confirm through the SAVE program that the applicant is lawfully present in the United States; and
- (2) If the SAVE program does provide sufficient information to the department to make a determination, the department shall be authorized to accept verbal or e-mail confirmation of the legal status of the applicant from the Department of Homeland Security."

SECTION 5.

Said chapter is further amended by revising subsection (c) and adding a new subsection to Code Section 40-5-100, relating to personal identification cards, as follows:

"(c)(1) No person may possess more than one identification card issued pursuant to this Code section; provided, however, that this subsection shall not be construed to prevent a resident of this state who possesses a driver's license from also possessing an identification card issued under this article.

(2) Except as provided in paragraph (3) of this subsection, each applicant for an identification card shall surrender any identification card or driver's license previously issued by any other state and any identification card previously issued by this state.

(3)(A) Any noncitizen who is eligible for issuance of an identification card pursuant to the requirements of this chapter may be issued an identification card without surrendering any driver's license or identification card previously issued to him or her by any foreign jurisdiction. This exemption shall not apply to a person who is required to terminate any previously issued identification card pursuant to federal law.

(B) The department shall make a notation on the driving record of any person who retains a foreign identification card or driver's license, and this information shall be

made available to law enforcement officers and agencies on such person's driving record through the Georgia Crime Information Center.

(4) Willful failure to surrender any such previous driver's license or personal identification card upon application for a new personal identification card will be considered an act of fraud and upon conviction be punished as provided for in Code Section 40-5-125.

(d) An application for identification card renewal may be submitted by:

(1) Personal appearance before the department; or

(2) Subject to rules or regulations of the department which shall be consistent with considerations of public safety and efficiency of service to customers, means other than such personal appearance which may include without limitation by mail or electronically. The department may by such rules or regulations exempt persons renewing identification cards under this paragraph from the surrender requirement in this Code section."

SECTION 6.

This Act shall become effective on January 1, 2009.

SECTION 7.

All laws and parts of laws in conflict with this Act are repealed.